

REMARKS

Claims 1-18 are pending in the present application. Applicant notes with appreciation the courtesy of the Examiner during a telephone interview on November 21, 2005. With entry of this Amendment, Applicant amends claims 1, 9-16 and adds new claims 19-21. Reexamination and reconsideration are respectfully requested.

Amendment to the Specification

The Examiner requested a title that is more descriptive of the claimed invention. Applicant has amended the title accordingly.

Rejection

The Examiner rejected claims 1-18 under 35 U.S.C. 103(a) as being unpatentable over Mohrbacher (US 5602356) in view of Goldmark (US 3955466). The rejection is respectfully traversed.

Claim 1

As discussed during the interview, the present invention as set forth in claim 1 is very different from Mohrbacher and Goldmark. Applicant has made three amendments to clearly emphasize the differences. It is believed that each of these amendments overcomes the rejection. If the Examiner disagrees, Applicant respectfully requests that the Examiner contact the undersigned attorney.

1. **Addition of Step of Reading Out Wave Factor Data from Style-of-Rendition Table**

Applicant has added a step of "reading out wave factor data from a style-of-rendition table based on the received style-of-rendition identification information, said wave factor data including at least vector identification information identifying vector data and time position data corresponding to a time position of the vector data" to claim 1.

As the Examiner conceded in the Office Action, Mohrbacher does not disclose style-of-rendition identification information. It thus does not disclose reading out wave factor data from a style-of-rendition table based on the received style-of-rendition identification information.

The Examiner cited Goldmark as disclosing style-of-rendition identification information. Goldmark discloses the use of a multiple track magnetic medium. According to the Examiner, different renditions can be stored on different tracks, and it would be inherent to identify each track for access. Applicant respectfully disagrees with the Examiner's analysis of Goldmark, particularly with respect to his claim of inherent disclosure. But even if one accepts that Goldmark discloses style-of-rendition identification information as the Examiner contends, claim 1 is still patentable over Mohrbacher and Goldmark. Like Mohrbacher, Goldmark fails to disclose or suggest reading out wave factor data from a style-of-rendition table based on the received style-of-rendition identification information for at least two reasons.

First, Goldmark does not disclose or suggest reading out data from *a table* based on the style-of-rendition identification information.

Second, what is read out in the claimed method and what is read out in Goldmark are very different. Under the Examiner's analysis, the style-of-rendition identification information identifies a track that stores a rendition. What would be read out based on this "identification information" is the recorded performance data of the rendition. In contrast, the claimed method reads out "wave factor data" from the style-of-rendition table. This data is not comparable to the performance data of Goldmark. Wave factor data as recited includes time position data and vector identification data. The vector identification data simply *identifies* the data for generating a waveform; it is not the data for generating a waveform nor the waveform itself.

2. Amendment to Step of Generating a Packet Stream Based on Wave Factor Data

Applicant has amended the step of generating a packet stream to emphasize that the packet stream is generated based on the read out wave factor data. Specifically, claim 1 recites:

“generating a packet stream in accordance with the wave factor data read out by said step of reading out, the packet stream including a series of packets, each of the packets including vector identification information that corresponds to the vector identification information in the wave factor data and time information indicative of timing that corresponds to the time position data in the wave factor data and depends on timing of the tone generation instruction.”

Because neither Mohrbacher nor Goldmark disclose reading out wave factor data from a style-of-rendition table, they do not disclose generating a packet stream based on the read out wave factor data.

This amendment highlights another difference between the claimed invention and Mohrbacher and Goldmark. The packet stream includes packets having vector identification information “corresponding to the vector identification information in the wave factor data.” That is, each packet includes data used to identify the data to generate the waveform and not the data used to generate the waveform or the waveform itself. In contrast, the section of Mohrbacher (Col. 42, lines 50-65) cited by the Examiner as disclosing the recited packet stream merely discloses the sequential performance of performance data. Thus, the amendment makes clear the difference between a packet stream having data to identify data for generating a waveform as in the claimed invention and a sequential performance of data to generate tones as in Mohrbacher.

3. Amendment to Step of Receiving Style-of-Rendition Identification Information

Applicant has amended the step of receiving style-of-rendition identification information to recite: “receiving style-of-rendition identification information indicative of a style of rendition to be added to the tone generated based on the tone generation instruction.” As discussed above, the Examiner has conceded that Mohrbacher does not disclose style-of-rendition identification information. With respect to Goldmark, the Examiner’s position is that identifying a track having a rendition of a performance is style-of-rendition identification information. This amendment emphasizes that the style-of-rendition identification information is not a label or name of a rendition.

Rather, it is linked to the tone to be generated by identifying the style-of-rendition to be added to the tone.

Accordingly, for at least the three reasons set forth above, Applicant respectfully submits that claim 1 is patentable over Mohrbacher and Goldmark.

Claims 2-8

Claims 2-8 depend on claim 1 and are patentable over the cited references for at least the reasons set forth above.

Claims 9-11

Applicant notes that claims 9-11 have been amended in a similar manner to claim 1. Accordingly, Applicant respectfully submits that claims 9-11 are patentable over the references for the reasons as discussed above with respect to claim 1.

Claim 12

As discussed during the interview, the present invention as set forth in claim 12 is also very different from Mohrbacher and Goldmark. Applicant has made two amendments to clearly emphasize the differences. It is believed that each of these amendments overcomes the rejection. If the Examiner disagrees, Applicant respectfully requests that the Examiner contact the undersigned attorney.

Claim 12 has been amended to recite receiving a packet stream including a plurality of packets, each of the packets including vector identification information, "said vector identification information extracted from a style-of-rendition table based on a style of rendition to be used in a musical performance."

As discussed above with respect to claim 1, neither Mohrbacher nor Goldmark discloses a style-of-rendition table or extracting vector identification information from the recited table.

Claim 12 has been further amended to recite “adjustment data” for modifying the read-out vector data. Support for this amendment is found throughout the application including, without limitation, page 59, line 19 to page 60, line 17 and Fig. 13.

It is believed that neither Mohrbacher nor Goldmark discloses a packet stream having packets with adjustment information for adjusting the read-out vector data.

Accordingly, for at least the two reasons set forth above, Applicant respectfully submits that claim 12 is patentable over Mohrbacher and Goldmark.

Claims 13-15

Applicant notes that claims 13-15 have been amended in a similar manner to claim 12. Accordingly, Applicant respectfully submits that claims 13-15 are patentable over the references for the reasons as discussed above with respect to claim 12.

Claims 16-18

Claims 16-18 depend on claim 1 and are patentable over the cited references for at least the reasons set forth above with respect to claim 1. Applicant notes that claim 16 has been amended in view of the amendment to claim 1.

Claims 19-21

New claims 19-21 have been added. It is believed that these claims are patentable over Mohrbacher and Goldmark. For example, claim 19 (and similarly claims 20 and 21) recite: “receiving a plurality of packet streams, said packet streams being created in correspondence with at least a timbre factor and a pitch factor constituting a tone waveform, each of said packet streams including a plurality of packets, each of the packets including time information of the packet and vector identification information corresponding to the packet and identifying vector data, said vector identification information extracted from a storage device based on a style of rendition to be used in a musical performance.” It is believed that neither Mohrbacher nor Goldmark discloses this step.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicant requests that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5630 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 393032020000.

Dated: February 24, 2006

Respectfully submitted,

By 

Mehran Arjomand

Registration No.: 48,231

MORRISON & FOERSTER LLP

555 West Fifth Street, Suite 3500

Los Angeles, California 90013

(213) 892-5200